ASEC ST CHARLES VARIETY STREET, TO THE STATE OF THE STATE

Correspondence of The Springfield Republican.
NEW-HAVEN, Wednesday, Feb. 13, 1856. Correspondence of The Springfield Republican.

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While the leaders of the American party in your State are softening, those of Connecticut are hardening on the subject of resistance to Slavery aggression. There was an election in Massachusetts last November—there is one in Connecticut next April; and while the Massachusetts Americans are arranging for the Presidential election, those of Connecticut have first got to make their local elections sure. To be sure, the American State Connect, at its annual meeting in Hartford yesterday, seemed to take the back track in appointing delegates to the National Conventions at Philadelphia next week, after the recent American State Convertion in this city had refused to resume connection with the National organization, but this action was not had without a warm delete, involving serious opposition, nor without the full understanding that the Connecticut delegates were to go to Philadelphia, not to succumb to the South, but to stand up for the praciples they profess at home, and, failing to establish them, to again secode and come home. The delegation is, as a whole, a stronger one than that which represented Connecticut late, thus, and every way I am inclined to this it. secode and come nome. The decigation is, as a wave-a stronger one than that which represented Connecti-cut last June, and every way I am inclined to think it will show more inherent backbone. Mr. Booth of Nor-wark is the only known weak -pot in it, and he is pust recovery; he is avowedly for giving tip all Anti-Slavery principles for the sake of union with the South Ameriprinciples for the sake of union with the South Americans; and it will injure the party in the State canvass, and ought to that it consented to his reappointment. Mr. Sperry, the President of the State Council, just reclected, and the Secretary of State, and candidate for reelection, is also reappointed to Philadelphia; but he may be relied upon, I am assured, for erect and firm

vertebra.

There is getting up the material for a pretty strong
Northern feeling at Philadelphia; much more of one
than events lately promised; and this is greatly the
result of the election of Mr. Banks as Speaker. That

result of the election of Mr. Banks as Speaker. That result has frightened those disposed to be doughfaces, and stimulated the courage and hopes of all true mea. The distinct Republican movement in this State is starting off under strong leadership, and must ensure the victory in the ensuing election to the opponents of the Administration. It is a source of considerable aneasiness to the Americans, but of more, I apprehend, to the Democracy. If the Americans are sincere in making resistance to Slavery a paramount issue, both at home and at Philadelphia, they ought to welcome the movement, for it will certainly draw away many votes from the Administration candidates which they cannot hope to reach. cannot hope to reach.

There are thousands of old Democrats in Connecti-

cut who seriously question the legitimacy of that de-mocracy which panders to Rum and aggressive Slavery to the neglect of all other interests; and, under the lead of such old favorities as John M. Niles, Gov. Cleveland and Gideon Welles, who are active and prime participants in the present movement for the organization of a Republican party, they will arrange themselves under more truly democratic ban-ners, and strike the fatal blow to the supremacy of the sham democracy of Connecticut. The new Re-publican paper at Hartford, The Ercaing Press, is to be under the special editorial control of Niles and he under the special editorial control of Niles and Welles—men who have contributed more than any others to build up the political character of *The Times*, of which, until within a few years, they were largely of which, until within a lew years, they were largely the editors for a generation of time. It is no wonder, therefore, that The Times feels a cold chill at the new movement, and greets it with a bitterness of feeling whose causes are but illy concealed.

The Republicans will embrace some of the most able men in Connecticut of all the old parties—men, who cannot long be kept down in any State—men, who give

cannot long oe kept down many state—men, who give Connecticat her character abroad, and contribute, more than any equal number, to her home-wealth of intellect and wisdom and her commercial prosperity. Such names as Gov. Buildwin, Scintor Foster, Niles, Welles, Cleveland, McCurdy, the Days, the Trum-bulls, the Collins's, the Williams's, et al owne genus, have never been without the first representative in have never been without the first representative influence in Connecticut, and, so long as they maintain
their own enviable character and fidelity to principle,
never will. It is upon such men that the Republican
movement in Connecticut is grounded. It is not probable that it will present any Republican candidates
for the Executive State officers at this Spring's election, but will make itself felt in co-operating with the
Americans, so long as they stand in their present position, against the common enemy. In the election of
the Members of the Legislature it will also mingle
with great power; and if but a judicious wisdom controls the councils of the two branches of the Opposition, thus arrayed under the Republican and American
banners, the Administration party of free rum and agbanners, the Administration party of free rum and ag-gressive Slavery will be run down to one third or iess of the people of the State.

MISSEST AND LOST FREIGHT .- If our renders knew as well as we do the facts about missent and lost freight, they would not be surprised at what is stated in the following note; nor need they be surprised that the floor never reached its intended destination. since it is highly probable that the only direction was on a piece of paper nailed upon one head of the bar rel. There is most gross carelessness and folly in marking packages sent by boats and cars, that need reform if we would hear less of freight stealing, for Heaven knows there is enough of that on all trauspertation lines. But to the facts in this case.

A. H. Hall of Bucksport, Maine, wites us. Feb. 11:

"This sheet of paper was taken from the inside of a barrel of flour purchased in this place in December last by Wm. Grindle, at the price of \$12. their being missent. It was no doubt sent as a prese to some friends—and one of the barrels was designe-for 'mother.' Please publish this that the owner may

Four nail-holes through the sheet, indicate that a card had been nailed upon the outside, which contained all the direction. It might have been removed by design, but quite as likely by accident. On this

paper the following note was written:

"While you eat this flour think of past days, and imagine yourself in at our table, for this is a sample of our every-day breadstuff; it is just such as we retail at \$6 per barrel, made of Wiuter wheat; our Spring wheat is nearly as good and produces better crops and better yields of flour to the bushel. M. L. McLeran.

"N. B.—One barrel is for mother."

We are very sorry that "mother" did not get it. but really think that her son lacked common sense when he sent it on such a long journey with such a poor direction. If it will be any consolation to him or his mother, we can assure him that he is not the only fool out. The American Express Company in this city have now ten tuns of freight for which they can find no owners. Some of it has been in their store eight or nine years.

THE PROZEN PRACE-TREES.-M. B. Batcham, in a letter to The Okio Farmer, fully confirms our statement a few days ago, that many of the peach-trees and other tender trees, are frozen to death. We think that nearly all that were planted last year-mearly all that stand in undrained, rich ground that is naturally moist, and all that made a good deal of new wood last year -will be found seriously injured. We reiterate ou advice to use the pruning knife freely. That can do no harm and may save your trees. Do not cut them down until you are sure they are dead, and then cut away the body close to the ground and cover the stump with a sod, and wait to see if the root will send up sprouts. If your trees are dead, do not be discouraged, but plant more. We may not have such another Winter as this in this century. In Ohio it is generally. conceded that the buds of peaches, cherries, apricots, some early pears, and some of the most tender apples are killed or badly injured upon all clay lands.

sre killed or badly injured upon all clay lands. The Prairie Farmer says:

"We have given up all hopes of a fruit-crop except apples. The thermometer has been 22 deg, below zero in Chicago and 28 deg, in the vicinity. The presumption is that peach-trees, &c., and all rather tender shrube are dead down to the snow-line. And we fear that half of the badly-handled peddlers trees, brought into the country last Fall will be found in the same category, whether planted out or heeled in. The time for pruning is when the first warm weather of early Spring renders it necessary to cut back, before the sap begins to circulate; then do so a little below the begins to circulate; then do so a little below the trees are of good sorts, touch not the bodies too rashly, for they sometimes survive after the bark and wood colorations and slight disorganization, on

There is something in being in a land of freedom.

Last Saturday, says The Cincinnati Commercial, there was some excitement in Covingtou, Ky., about a free negro named John Thomas, who was arrested and tried, charged with migrating to that State contrary to law. It appeared on trial that he had resided in Kentucky previous to the passage of the law which was supposed to apply to his case. During the trial he became alarmed and fled, whereupon a grand race between him and the officers came off, which resulted in the capture of the fugitive. He was acquitted on condition of leaving the State instanter, with the understanding that if he ventures back he will be taken derstanding that if he ventures back he will be taken obarge of in the Penitentiary.

CASE OF THE INDICTED GAMBLERS

The chamber of the Court of Sessions was crowded yesterday morning by parties interested directly and ndirectly in the decision of the Court in the cases of the indicted gamblers, who had entered pleas of guilty the previous week. Pat. Hearne, William Mathews, Alexander Blackman, Johnny Ling, Michael Smith, and others, were present with their counsel.

At 114 o clock Judge Capron came into court. In the case of Joseph S. Hall, on the motion to quash the indictment, the Court proceeded to deliver the subjoined Opinion:

This is an indictment for violations of the various

This is an indictment for violations of the various grovisions of the "Act more effectually to suppress Gambling," passed July 10, 1851.

The defendant moves to quash the indictment on several grounds, and I will consider them in the order in which they have been presented and discussed. Before proceeding in my task it is due to the counsel who have so ably and elaborately argued the motion before me, to state that I have been prevented by pressing employments which could not be consistently neglected, from bestowing upon the subject the attention and study which its importance demands, and I

neglected, from bestowing upon the subject the atten-tion and study which its importance demands, and I make this apology with the greater freedom from the consideration that any errors which I may commit can be promptly corrected by a superior jurisdiction without inflicting on the defendant any serious injury. The defendant's first objection is, that this Court has not jurisdiction to entertain this indictment, be-cause the offenses set forth in it are misdemeanors. This objection is founded on the fifth section of the

the Special Sessions in all cases of misdemeanors in this city, and it distinctly presents the question whether effenses against the gambling act are misdemeanors, or

The language of this statute is: "If any person, for cambling purposes, shall keep or exhibit any gambling table, and so forth, he shall be taken and held ex a common gambler, and so forth, and shall be rentenced to not less than ten days hard labor in the Printentiary, or not more than two years hard labor in the State Prison, and be fined in any sum not more than one thousand dollars," and so forth.

"more than one thousand donars, and so lorth.

Common gambling, it is said, was at common law only a misdemeanor, and the term "felony" not being need in the Gambling Act the character of the crime is not raised to felony by increasing the punishment to imprisonment in the State Prison. (2 R. S., page 702, In support of this proposition the People vs. Ward,

[3 Hill, 395, affirmed in 6 Hill, page 144,) is cited, but I have never considered that case as settling the contruction of the 30th section just mentioned. The carned Judge who delivered the opinion of the Su-greme Court, in that case admits that the question was preme Court, in that case admits that the question was in no way involved in the case which he was examining; he mentiors it only incidentally, and says, "I am "enclined to think the Legislature did not accomplish "their object," i. e., fix the legal characteristics of all felonies in this State, and consequently of misdemeanors. He was "inclined to think" that the Legislature had only defined felony in the cases in which the crime was named a felony in statutes leaving common law felonies unaffected, and the argument adduced from the authority and applied here is, that violations of the Cambing Act are not felonies because they are

law felonies unaffected, and the argument adduced from the authority and applied here is, that violations of the Gambling Act are not felonies because they are not so declared in that statute.

I have always regarded the lauguage of the 30th section as tantamount to this: An offense for which the offender, on conviction, shall be liable by law to be punished by death, or by imprisonment in a State Prison, shall be construed to mean a felony. The language of the section is: "The term felony, "when used in this act, or in any other statute, shall be construed to mean an offense for which the "offender, on conviction, shall be liable by law to be "be construed to mean an offense for which the "offender, on conviction, shall be liable by law to be "punished by death or imprisonment in a State "Prison." This is but another form of speech for saying that a felony shall be an offense, which may be punished by imprisonment in a State Prison, and when used in any statute the term shall be so understood. Upon this interpretation the offense of gambling is a felony, because the offender may be punished in a State Prison. I am aware that one or two other decisions similar to that (in 3d and 6th Hill) have been made by Judges who simply cited that case, and under argument; but I regard the construction of the 30th section as still an onen question.

te argument; but I regard the construction of te oth section as still an open question. But we are not without high authority for the con-Ent we are not without high authority for the construction on which we insist. Say several English witers: "At common law the only felonies were murder, "namslaughter, arson, treason, burglary, robbery, "rape, sodomy, maybem and larcony. By statutes, "however, running from the earliest periods, new felonies were from time to time created, till finally not ach expect every horizons of flow and advantage of the contract of the c only almost every heinons offense against person or property was included within this class, but it was held that whenever judgment of life or member was affixed by statute, the offense to which it was attached became felonious by implication, though the word felony was not used in the statute." Upon what principle was the decision of the Eaglish courts founed? It was upon that of analogy, drawn from the fact that Parliament had for a series of years attached to felonies created by statute a uniform character of punishment. When, therefore, a statute offense was created, if its grade on the scale of crime was not named in the enactment, it was by implication held to be a felony if the prescribed punishment was only almost every beinous offense against person o held to be a felony if the prescribed punishment was the same in character that had been established by Parliament in statute felonies. (1 Hale, 703; 1 Hawk.,

If we apply this very reasonable rule in the con-A we apply this very reaconable rate in the construction of our own statutes, gambling is a felony. It is a statute offense, and although it is not mamed "felony" in the act, yet as it may be punished with the same grade of punishment prescribed by the Legisture for all statute felonies, it is itself a felony.

It will be perceived that this argument is maintained

It is also argued that when not the only punish ly panishment, does not necessarily make crimes felonies." The soundness of this position on transparent in the bare statement, and to appriate its force reference must be had to the particular statute, or law under consideration. It is not allowa-ble in the interpretation of a statute, to wrest the plain the interpretation is obvious meaning, even to favor betty. The words of the 30th section are, "When the offender shall be hable to punishment in a State prison," &c. No matter, then, that another punishent may be inflicted, in the discretion of the Court, he argument proves too much, for if applied in all its case, the power of exercising discretion would be orce, the power of exercising discretion would be wholly taken away in all cases. Judges would be orced by the rule to inflict the lowest degress of pen-

ty in every case. There is another view which may further elacidate the question. Gambling is now a statute offense in his State. Our statute embraces every act that was this State. Our status and adjudged criminal in gambling at common law, and comprehends many other. Violations of it are not declared in the act to be misdemeanors in terms, and by R. S., page 696, sec. 39, only those acts forbidden by statute are misdemeanors, which are prohibited in the statutes prescribing no penalties. Our gambling act does not prescribe penalties, and violations of its provisions are not therefore misdemeanors within the meaning of the 39th sec. cited. The 49th sec. fixes the maximum of punishment in all cases of misdemeanors within the maximum of punishment in all cases of misdemeanors, and the statutes creating the of the maximum of punishment in all cases of misde-meanors not named in the statutes creating the of-ferse. The fair deduction therefore is that any statute offense which, by the terms of the act creating it, in-volves a punishment in the State Prison is a felony, although the act may have been a misdemeanor at common law, unless the creating act declares it to be still a misdemeanor.

Upon the defendant's first point, therefore, until the Superior Court shall definition, softly the agrestion.

Upon the defendant's first point, therefore, until the Superior Court shall definitely settle the question, I feel bound to hold that offenses against the Gambling act are by implication, if not expressly raised from misdemeaners to felonies, and that this Court has original jurisdiction of them.

The second ground on which the defendant moves to quash the indictment is, that when it was found proceedings were pending before a Police Justice, under title 2, chap, 2, of part 4 of the Revised Statutes, entitled: "Of the arrest and examination of offonders, "their commitment for trial, and letting them to bail."

It is insisted that the institution of these proceedings

"their commitment for trial, and letting them to bail."
It is insisted that the institution of these proceedings confers upon the persons arrested certain vested rights in respect to the examination and cross-examination of the complainant and other witnesses on the part of the prosecution, and the examination of the witnesses on behalf of the accused, and that these rights cannot be wrested from a party by the interposition of a Grand Jury, convened and finding an indictment for the same charge pending those proceedings. It is alleged that either the two modes of proceeding are concurrent, and that the proceeding first instituted acquires thereby exclusive precedence of the charge and retains it until the proceedings are closed, or that criminal charges til the proceedings are closed, or that criminal charges must in all cases be preferred before the Police Justices and the party accused be either committed or bailed as an inciplent step to the action of the Grand Jury.

I have examined this point carefully, and studied all the authorities cited in support of it by the counsel for the defendant, but I have entirely failed to discover that they offered any support to this proposition. The authority which is most in point arose in Pennsylvania on an application made to the Court by a Grand Jury for leave to issue a process to procure the attendance of witnesses before them, on whose evidence an information might be found and filed against the officers of the Board of Health. The language of Judge Kings who refused the application, as well as the fact that application for subpense was made to the Judge, indicates that the powers and the duties of the Grand Jury are in that State regulated by some local statutory provisions which are not referred to in the opinion of the Judge. That case, therefore, cannot be authority in this State, which has its own statutes on the subject. I have examined this point carefully, and studied in this State, which has its own statutes on the subject.

The whole scope of the 47th sec. of the title of the R. S.

under consideration, very clearly contemplates a system of proceedings intended for especial use during the vacation of courts of justice. When arrests are made and examinations had, as prescribed by that title, the prisoner, if held for trial, is either committed or is bailed "to appear at the next court having cognizance" of the offense." The terms of the recognizances taken on letting the prisoner to bail relate to future time—the next court; thus clearly indicating proceed-ceedings instituted when the courts are not in wason affording very conclusive evidence that the arrest and safe custody of supposed criminal offenders is the sole object of the enactment. The fact that the accused have circular rights secured in the the sole object of the enactment. The fact that the accused have certain rights secured in the proceedings afferds no just ground of objection to this view of the question, because all the provisions which respect the accused are necessary to enable the the committing magistrate to decide upon the propriety of detaining the party until the next court. These proceedings are instituted primarily for the protection of the public against crune, and the rights of the accused are but incidental in favor of liberty during the progress of the proceedings. So long, therefore as the people continue the proceedings before the committing magistrate, the accused may insist on the strict observance of all the provisions which respect his own rights; but when the people choose to discontinue further progress, the accused cannot object, nor set up the proceedings, even while they are pending, in bar of any other form of complaint which the people may choose to substitute.

pending, in bar of any other form of complaint which the people may choose to substitute.

Parties accused of crime are not prejudiced by this construction of the statute respecting arrests and ball. They cannot, if acquitted, be again tried for the same offense; and if the case may be supposed in which a citizen should be indicted, and even be tried while proceedings were pending against him before the committing magistrate for the same offense, sufficient remedies are provided in the powers of the Court in which the indictment is found to afford ample and prompt relief. The Grand Jury have original jurisdiction and absolute power, subject only to the qualification that their proceedings must be regular in form and instituted in good faith. I should have fet less case if counsel had not informed me that a distinguished member of the bar, who formerly sat in the Juliceary in this city, held while in effice a different opinion from that which I have been constrained to form; but as I have not been favored with his reasons, and as I have been told that another eminent Judge on the same bench has expressed an opinion similar to my own, and sa a Judge of one of the Federal Courts also, who as I understand has examined the subject concurs in my opinion, I have ventured with great respect to con-siderer the question still open to discussion, and to de-cide that this objection to the indictment is not valid.

The view which I have taken of this point is en-tirely independent of the question respecting the rights of a party to go behind the record, further than the statute law expressly permits, in search of irregularities for the purpose of quashing an indictment, I shall not on this occasion notice the argument of defendant's counsel on that subject. I have assumed that point in his favor.

his favor.

The third objection taken by the defendant respects the frame of the indictment as a pleading in court.
The allegation is that the indictment is not drawn with

sufficient definiteness.

Much of the strictness exacted by the rules of the common law in pleading in criminal cases is now swept away by the more sensible and practical views which have prevailed in modern times, and which are, I trust to continue the good work of legal reform, until the last vestige of those musty techni-calities shall be obliterated from the records of our courts. An important move in that direction was made by the Legislature in the enactment of the pro-visiors respecting indictments contained in 2 R. S., page 128, sec. 52. This section has received a judipage 128, sec. 32. This section has received a judi-cial interpretation, (5 Ward 291.) and it is now held that "An indictment is good if it contain the sub-"stance of the offense, with the circumstances neces-"sary to render it intelligible, and inform the de-"fundant of the allegations against him." I have ex-amined the nine counts of this indictment, and care-folly converged them with the statute on which they fully compared them with the statute on which they are founded. These counts are in my judgment not only sufficient within the rule, to which I have re-

ferred, but are good even at common law.

I will briefly consider the several objections which are raised to these counts by the counsel:

1. The second, third and fourth counts do not describe the decimal.

1. The second, third and fourth counts do not describe the devise.

The sufficient answer to this objection is that the crime described in the statute is general; "any establishment, devise or apparatus" if used for gambling is within its meaning. The kind of instrument does not alter or even qualify the offense, and it need not, therefore, be described (2 Barn & Ald, 204; 1 Strange, 12 Acceptable 1 Strange, 12 Acceptable 1 Strange, 12 Acceptable 1 Strange, 13 Acceptable 1 Strange, 15 Acceptable 1 Acceptable 1 Strange, 15 Acceptable 1 therefore, be described (2 Barn & Ald, 204; 1 Strange, 139, 140). Again, the indictment states the offense in this respect, not only by the adoption of the descriptive word contained in the statute, but by the statement of all the circumstances which constitute the definition of the offense in the act. Surely this is sufficiently specific. At common law it was not necessary in gambling cases to do more than the pleader has here done (9 Cowies, 566; Spencer, Senator; 2 Hawkins, chap. 25, sec. 57, 59). The superfluous words, expressive of intent or motive, may be rejected as surplussage, and do not tain the pleading. The words of intention used in the act would have been a sufficient allegation in those counts in which the averagent of an intent is necessary (2 Hawkins, chap. 25, sec. 96; Hawk C. C. 43).

II. The first five counts omit the words "gainbling purposes," and annex one of the essences of an alter-

purposes," and annex one of the essences of an alternative and distinct set of crimes.

It is always advisable in framing an indicement to use the precise and technical language of the statute on which it is founded; but neither at common law nor under our statutes is such strictness of expression for tinger cur statutes is such strictness of expression feemed indispensible. Where a word, or where words ment used in the statutes are substituted in the indict-ment for a word or for words that are in it, and the word or words thus substituted are equivalent to the word or words thus substituted are equivalent to the word or words used in the statute, or are of more extensive signification, the incictment is sufficient; as if the word "knowingly" be used in the place of the word "advisedly," or the word "wilfully for "maliciously." the indictment is sufficient [1 Bos., p. 181). The words "for gambling purposes," are omitted and in their place are substituted the words, "for the purpose and with the felonious intent of there: "with playing a certain game called fare, being a "game on the result of which money depended." Are not the substituted words coextensive in their meaning with the words "gambling purposes?" This appears to be an objection to a mere matter of form, the pleader instead of simply averring the intent, has described it. The only serious question that is presented here is, whether the necessary ingredients of the offense, viz: "for gambling purposes," is stated the offense, viz: for gambling purposes, is stated with sufficient certainty; and I am of the opinion that the statement is sufficient in this respect.

The other branch of this point, viz., that the pleader

The other branch of this point, viz., that he positive has incorporated into the counts "one of the essenses "of an alternative and distinct offense," is the less fermidable of the two grounds of objections. I cannot discover that this ground of objection is real. Actually "to deal fare and to bank for others to deal fare," &c., are declared crimes, but the allegation in the indictment is of an intention to play at a certain game called

ero. Finding among the objections which have been thus hastily considered none that in my judgmen, destroys the integrity of the indictment, I must deny the motion

Mr. Graham, counsel for Hall, asked that no further ction be taken for a few days, to enable him to decide whether he would carry the case up on a de-

The Court granted the request.

Mr. Holmes, who appeared on behalf of William Whiteside, asked that the same course be taken in that case, as the same principle was involved in that case as in the case of Hall.

To this request the Court also acceded.

Mr. Sickles, who appeared on behalf of several of the parties, then arose and addressed the Court. He

In the case of the parties in whose behalf I recently addressed the Court it will be remembered that I put in a ples of guilty. It will also be borne in mind that the District-Attorney, in reference to a motion that I made for a suspension of judgment in the cases, gave his assent to that course and recommended and ad-vised that judgment should be suspended. I could not viscu that judgment should be suspended. I could not fail to observe that your honor felt called upon, not withstanding this assent on the part of the District Attorney, to take into serious consideration and to weigh the reasonings pro and con which might have a bearing upon the granting of the application. I certainly had posed that under such circumstances the Court action than that indicated and assented to by both the parties at issue—the people and the accused. The Court is apprised that I have doubts as to the suifdency of the indictments, and had so advised my cli-mts, and that in the first instance I was inclined to don the pursuit of gaming forever, while they might have made out a successful defence, and especially as far as the witness Jennings was concerned, yet the consciousness that they had been guilty, were indisposed to follow the profession in future and in tis-posed to litigate this cause, and were perfectly willing to remain under the suspension of the judgment of the Court with the condition that should they be again caught in violation of the law the Court might impose caught in violation of the law the Court might impose any penalty it thought best under the law, I considered it advisable to let them take that course. The grave doubts intimated by the Court, notwithstanding the assent of the public prosecutor, has made it my duty, upon mature reflection, to advise, in justice to my clients, that they avail themselves of all the legal grounds, as certainly there are serious grounds as to caught in violation of the law the Court might impose any penalty it thought best under the law, I considered

the sufficiency of the indictments in these cases. I the suncerest of the inferments in these cases, and I will proceed to argue the matter when it shall suit the convenience of the District-Attorney.

The Court—Can a party, after having come into Court, plend guilty, and move an arrest of judgment.

Mr. Sickles—Certainly,

The Court—I think not; I do not wish to throw any intention in the News of a full legal defense of the according to the court—I was of a full legal defense of the according to the court—I was of a full legal defense of the according to the court—I was of a full legal defense of the according to the court—I was of a full legal defense of the according to the court of the court—I was of a full legal defense of the according to the court of the c

The Court—I think not; I do not wish to throw any impediment in the way of a full legal defease of the accused, but I wish to preserve my own consistency.

Mr. Sickles—A motion in arrest of judgment is based upon a matter of record, and it makes no difference whether the party be found guilty or pleas guilty.

The Court—If a man comes in and confesses that he is guilty, the confession is a confession of all that is alleged against him.

Mr. Sickles—In the record it amounts to nothing more than a verdict of guilty. I was not prepared to have this position disputed, and con equently I have brought no authorisies to cite to the Court. But, if your Honor entertains any doubts, I can satisfy you.

The Court—I am clearly of opinion that this cannot be done. When a man pleads "not guilty" be forfeits no right, and if convicted can move an arrest of judgment. Indeed, I doubt if, having once pleaded guilty, a man can withdraw that plea, unless in a special case.

Mr. Sickles—It is true, as your Honor suggests, that

Mr. Sickles—It is true, as your Honor suggests, that a man cannot withdraw his plea, nor even put in a demorrer, but he can move an arrest of judgment. It may be that this offense will be made out a miscle meaner and not a felony, or—and I intend to rate that point—we may show that the Court has no jurisdiction. The facts alleged against the defindant may ot constitute the crime.

The Court—In all these counts it is expressly averred

that the man is a common gambler; it is stated that he played faro, which brings him under the statute; and it strikes me that, even had he pladed "Not Guilty," and was condemned, there were then no grounds to move for an arrest of indigment. Have you any authorities on the subject, Mr. District-Attoree."

Mr. Hall-I bow respectfully to your Honor's decision, but I cannot see when a man toriests als rights for an arrest of judgment on a plea of guilty, lus-much as the law makes no distinction between a plan

much as the law makes no distinction between a pleat of guilty and a conviction.

The Court - I am whing to give the defendant all the rights he is entitled to.

Mr. Sickles—We only want our legal rights.

The Court - Certainly, Sir, those you are called due without grace or favor, but I am even willing to grant you more, so far as the law will permit me.

The case was then postpond to Wednesday, when Mr. Sickles is to produce the legal proceduring going to show the right of the Court to sustain a mession in accept of imponent under the giranmatages.

arrest of judgment under the circumstances.

In the cases of William and Eden Norris and William Mathews the same action was taken.

The case of Michael Smith was further postponed.
An officer who had gone with a warrant for Sam Suydam stated that he had found him sick in best.

In the case of Blackman the People were not ready to proceed with the trial. Both cases went over for the term.

The case of James Irving, on an indicting a charg-ing him with assaulting a Mr. Suydam in July, 1884,

came up in order.

Gen. Nye appeared as his counsel, and moved the case go over to the March Ferm on the following

grounds:
First. The fact was notorious that defendant stool would prejudice the community against aim. He had been informed by the District Attorney that he intended to move the entering of a notice prosecution the murder case, and the coursel thought that had seemed to the world to serve as an anti-lote to indicate that the factor of the course the first in the murder case, and the coursel thought that had something the triangle that the course of t ment before he should be tried for this minor

Second: Under the supposition that the case was to rest, the defendant had paid no further attention to preparing a defense, and his witnesses who were present and saw the affray—Mr. Gurney and Mr. Richards—were now absent in Obio. They, therefore, desired them to be enabled to secure the presence of taxes. witnesses.

After some further argument, the Court consected to allow the case to go over to let the defendant pothe necessary affidavits.

THE RECENT ABORTION CASE.

RE-ARREST OF MRS. CROCKER.

Since the recent unsatisfactory termination of the Ceroner's inquest in the case of the young woman Houston street, as was alleged at the hands of abortionists, the authorities have been actively engaged in hunting up additional evidence against. Mrs. Abby L. Crecker, proprietiess of the aforesaid process, and being suspected of having in connection with D. Johnson, procured an abortion up a M. S. S. J., Shidi so

sulted in her death.

Accordingly on Salurday effections Contact Hills procured another witness against Mrs. Crocker, in the person of Mos Maria Leaven worth, resolute at No. 823 Broadway, a dresamaker by occupation. She made a lengthy affidavit, as follows:

TESTIMONY OF MISS TRAVESWORTH.

Maria Lenvoluvotti, evoru—i per Broadway; and a dressmaker, and have been Mrs. A. L. Crocker for about a year and have the house of Mrs. Byress, in This part of worked, and so obtained seeing to be the worked, and so obtained seeing to be the was studying includent at that limit have Mrs. Crocker over high see lave at other in-dresses, always took for work one and new. It was a young fasty from Washington, and only her A way, the Crocker sust the young large what is a man of the recible she also tust in the the control of the also tust in the the control of the also tust in the content of the content of the content of the freed who washington with a source of a man of an action of the freed who was in the first delection was the first delection of the freed who was in her I do not show the action of the treatment to which also was recommended, but but my unjour a for the freed who was in her I do not show the action of the treatment to which also was recommended, but but my unjour a son is from (I cambot rep at the worse) who was was soft that decembed came, or to be reased in an accepted inchoson, and not as an invalor seeking to receive the building Min. Crocker for the section of an early section of any inches of any inches of marrings who have also that the content of a section of the content of mider a profition of marrings which a week; Min. Crocker gave me to understand that it was a friend of the centilends who such the win had salared to young fairly; that he was a man of wealth and belongthy to Kentucky, these facts were a particular of marrings on Kentucky, these facts were a particular of marrings on the I called while become, was four, I didn't in was call the new in the former was absent and the crowd the former was absent any allowing the way my profit in the first of line; Dr. James of the former was absent any early to the horse action of the relation of the complained of particular the horse, that I had before understood and the complained of particular the horse, and the constitution of the result of the control of the

"gone forever, I die a Catholic;" this was in the afternoon; Sira, C. also teld me deceased had wanted to take symmething to 1 if an est it to her life, once, in taking some text there, disbeased complained of its being bitter, and tried my cup, which she said was test the same, and then she took her own withingly; she seemed to have an antipathy to everything that was done for the same and the she made there is took her and tried what I did or make much better; I took Mrs. C. as sammer that decreased required better care, and if she slid to get it see wound do; deceased had a great arriany to go helle, and would sak repeatedly when the could go; she never expressed a wish to die to me; Mrs. C. paid move attention to her ster; I told her deceased had also were sake as to be in damen; I stayed with deceased on the might she sled, about if house, Mrs. C. rold me deceased had died mysteriously, and she thought she had taken something, as she did not understand the case of the dust; she also took me that she had called in chought also had taken consciling, as she did not uniforstal cause of her death; she also told me that she had a sub-her decror; I am confident also said it was Dr. Makad seen him once, and in going out that might I was me may coming in whom Dr. Johnson said was the doctor; but Ir. Marcy; he had a cap on, and had his coal as turned up; think his clothes were brown or called again on Wednesday, at about 9 o clock; Mrs. C their told me deceased had been examined by the doctor; lets said for Marcy; he said she had died of concession unge, and he would give her a certificate; she told me

On these and other facts contained in the deposition of Miss Lenvenworth, the Coroner issued his warrant for the rearrest of Mrs. Crocker on the charge of procuring the abortion aforesaid with fatal results. The process was accordingly placed in the hands of Caps. Turnbull and Officer Rynders of the Eighth Ward Police to execute, and late last night they took her into custody at the American Hotel, Broadway, near Houston street, where she was stopping. This meening the prisoner was taken before the Coroner, but the District-Atterney having decided that the atternow was out of Coroner Hills's jurisdiction, the further investigation was transferred before Justice Osborne at the Mayor's office. The accused was therefore committed for a hearing, which is named for Wednesday.

THE TENTH WARD KNOW-NOTHINGS. Council No. 5 we learn from our irresistable re-

po ter, opened on Saturday evening with the Presi-

cent, George W. Wheeler in the chair. Bro. Corson's n inutes were read and appoved. This was out of compliment to him as Secretary, as on disputed points the brothers always refer to THE TRIBESS. The Comnaitee appointed to examine the fitness of Mr. Petty to be re-taken into the order, reported favorably, and at the same time handed in a letter from him, stating is substance that no one had been empowered by him to present his name for membership, nor had he ever whatever had been done was without his knowledge or cersent. After a little agitation on this subject, Bro. Van Duser changed the order of exercises by moving that This This University report of Council No. 5 for the past week, and also the week previous, to now read. Bucs, Wainwright and Hall opposed this. Bro. Hall of paney naturiety) hoped no brother of this Order would stoop so low as to read them blamed reports. He en phasized the word "blamed" with such a jirk, and bore on when he spoke it, as though he was trying to use some more expressive piece of profanity. Bro. Even moved that the reading referred to be laid over half an hour. Bro. Ira Buckman amended by saying three mentas. By this hee, things began to look squady, but the arrival of the manshal, with one puny-looking subject to be minated, produced a sort of heavenly joy. After the birth of mother American into our Order, Bro. Bruen we have his motion to postpone the reading of Tax Thinusk for the half hour. Bro. Wainwright again opposed the reading, and questioned the right of the President to put such a motion. Bro. Armstrong said the President had the right to put any motion, right or we up and the Bothers were the judges of what was proper. The President favored this view, and be-Leving the objection of Bro. Wainwright was meant showed his American grit by putting it. An unanimous wate, or nearly so, to read THE TRIBUNE, was a flattering test monial to the wisdom and discretion of Bros. Wheeler and Armstrong, as well as a compliment to the fidelity of our reporter, which it has ever been his aim to meric. Bro. Coresa then read from Tax. TRIBERS of Feb. 5, the article headed The Tenth Word Know Nath uga. Profound stillness prevailed. At its close 1500 Buckman, supposing the article was plent to be adopted, as the minutes of the Council, wished a slight correction before it was done. The Chair ruled Ero, B. out of order, Bro. Corson then read from Tur Tatauns of Feb. 12, an article headed smalar to the first. Its effect was more enlivening, though no outburst ensued, and no one wished a co rection; yet Bro. Hall popped up and said he was as mry brother in the Order; that the reporter knew it; and that it was blamed mean of him to report all of

hierperches.

Hre. Wainwright next obtained the opportunity he had been watching for and like a rat terrier-always inveterate about what he undertakes, but lacking indement to act effectively-again brought up hi Letty subject. He moved the action of the Conneil against receiving Mr. Perty be rescinded. Bro. Corhe had caused to be adopted at a previous meeting, and wishing to use up Bro. Wainwright, directed the Chair to declare the motion out of order. The Chair obeyed, but suggested to Bro. Wainwright that a nation to suspend the resolution of Bro. Corson for the time being would reach the point. Bro. Wainwright seemed to be in doubt as to what the President neart and whether it would secure his object. A sort of brown study came over him, much to the merri-ment of several brothers. Bro. Comon relieved him by soying it was all right and that he had ordered the Chair to make the suggestion. This inspired Bro. Wainwright to make the motion, but cruel to relate, on taking the question, the motion was lost. Do not be too confiding Bro Wainwright in certain mystical personnes called white folias. They are wonderfully uncertain-especially if they are members of our

Pro. Cerson moved a vote of thanks to Bro. Chas. Whitlock, Conneilman of the XXVII District, for his able defense of the Order in that branch of the City Government, to which, by the partiality of this Council, he had been called. This motion, though regularly pur before the brothers, was lost, for what reason our reporter could not learn. Why Bro. Corson-who reports the proceedings of the Councilmen for The Express, and of course knows that Bro. Whitlook had done what no one clie had heard of-should be insulted by a refusal to pass his resolution, is a matter of deep surprise. It was whispered around that the brothers would never get over their wrath at the trickery which cheated Bro. Jensthan Purdy of a renomination, and thus secured

Bro. Corson, however, fully resented the matter. Fuels a mingling and commingling of strange epithets has not lately been made-not even in The Express. Fire-blazes and thunder could hardly equal the confusion. Great consternation pervaded. Bro. Corson seemed to regard Bro. Whe ler as responsible, and, among other things, said to him: "I cannot and will " not submit to your insults any longer; I have borne "It as long as any American man ought to. It is all | and warm temperature of Saturday last,

iealousy on your part, because I am noticed more favorably than you are in THE TRIBUSE. As I am reporter to The Express, it ought to be supposed that I know more of Jefferson's Manual than you. It is no wonder, therefore, that I know more of the rules of order than common folks. My botter advantages have not made me vais, but still I claim to know order and decorum. From the fact, no doubt, that I have been favorably noticed in THE TRIBUNE "some evil-disposed Americans have circulated the "story that I report the doings of this Council to that "paper. That report is false—unequivocally false." True, brother; true. Bro. Corson then went on to tell how he supposed reports of secret associations were made up, and finished his tremendous effort amid deafening applause. Bro. Wheeler arose, some-what confused, to make apology. He said he was aware that Bro. Corson was a smart American manthat he had nothing against him, and was thankful to receive any information from him in regard to parlinmentary rules. Bro. Wheeler emphatically denied that he felt any enmity against Bro. Corson on account of THE TRIBUNE. A profuse perspiration showed the intensity of his emotions, which was all the effect produced by his speech. No clapping, no stamping, no cheering, as when Bro. Corson led captive by his elequerce the enraptured throng of American brothers.

The order of business being passed, communications were row read. Among them was one from a Simon Pure Council in the Nineteenth Ward. Of course Council No. 15 is the Simon Pure, but the Brothers up there seem to imagine that replacing a lost charter by a new one, like making a new bucket for a well renovates the well. However, they will get straight after Sippery Joe works at them a while. Bro. Williams moved that THE TRIBUNE'S report of Council No. 15 be read. Bro. Wainright moved as a substitute, the appointment of Committee to ascertain which was the real Simon Pure Council. The substitute prevailed and Bro. Wainright was appointed Chairman of the Committee

Bro. J. T. Brooks moved that the Council hold a secret session on Saturday evening next. This motion was put without a single word of comment, and carried unanimously. Of course our reporter will be present, as he feels an uncommon anxiety to learn wherein a secret session differs from an ordinary one.

Bro. Wainright, who, as our readers will remember was elected delegate to the Grand Council—asked the Secretary what is the present number of its members. His object was to ascertain what amount of money he would have to carry to the Grand Council to satisfy the per capita tax. Bro. Corson answered, that he could not tell from the books, nor could any one else, though 700 were recorded. An Economica Brother then moved that the number be declared to be 300. Bro. Brooks moved that it be 600,

Bro. Hall (not Poney Hall) moved that the number be taken from the books. Bro. Buckman moved that it be 700. Bro. Wainright moved that is be made not less than 450, as that was the number reported last year, and it would not look well to report a less number. Finally, the Council decided to state its aggregate strength at 500. (Do you hear that, Bro. Atwood ? What a lift for an aspiring man !) After the arrival of Bro. Whitlock and several of his friends, the resolution offered early in the evening by Bro. Corson was reconsidered and passed.

Gov. Isase J. Oliver next responded to a call for a speech. Did not come to make a speech to have it go abroad. He wanted nothing now only to love the cause. Had selected his man for President, subject simply to the action of the National Convention. Will go for the majority as Bro. J. W. Barker always does. This is the secret of the popularity of Bro. Harker. Said the Brothers did wrong to countenance or even read THE TRIBUNE. That it would be well to hold a few secret meetings to find out the reporter. The Governor, with eyes turned upward as if trying to scen the realms of eternity, and with solemn voice, closed with a sort of half supplication and half deelaration that "the reporter to THE TRIBUNE will reap "his reward hereafter." This sanctimonious appeal of the Governor closed his labor in the vineyard of Council No. 5. Next came Bro. Hall of poney memery. Commencing with that peculiar twang, which must draw and did draw attention to his olfactory organ, he gave his experience, first as a guzzler, next as a sailor, and last as a temperance man. The pathos of truth pervaded his narrative; yet he was jeered by many who may yet have a worse retrospect than he. Bro. Elias Combs and Assemblyman Dolan ought to have heard him. His speech closed the labors of the evening, and the brothers adjourned in good order. Of the election of Banks they remain in profound ignorance. Happy family! They little dream of the agitation which awaits them!

FIRES.

FIRE IN MADISON STREET.

At 124 o'clock yesterday morning a fire was discovared in the tenant-house No. 237 Madison street, but t was subdued before much damage occurred. fire was occasioned by the carelesaness of some of the occupants in leaving a candle near a straw bed.

FIRE IN THIRD STREET. Yesterday morning about two o'clock, a fire broke

out in the grocery store of Frederick Faror, No. 174 Third street. Damage about \$300. Insured. The origin of the fire has not yet been correctly ascer-

About a quarter to six yesterday morning a fire broke out in the hot-house of John Hauser, corner of Fifty-eighth street and Third avenue. The flames were extinguished with a few pails of water.

The fire was caused by some defect in one of the fines connecting with the furnace used for heating the building.

FIRE IN SPRING STREET-LOSS OF LIFE.

Yesterday morning, about 3 o'clock, a fire was disovered in the building No. 83 Spring street, occupied by Robert Glenn as a piano-forte manufactory and dwelling. The family occupied the upper part, while Mr. Glenn slept in the show-room on the first floor.

Mrs Glenn was awakened by the smoke ascending from the store and immediately gave the alarm, when assistance arriving the doors were forced open and the fire soon quenched. Mr. Glenn, it is supposed, from the severity of the weather placed his bed very near the front of the grate when some coals fell against it and set it on fire. He was found dead in the back part of the room, where he had undoubtedly crept to avoid sufforestion. The damage to the building and stock was but slight.

The deceased was about 47 years of age, and leaves wife and five children to mourn his loss. The family escaped uninjured. .

MARINE AFFAIRS.

THE ICE IN THE HARBOR.

The high winds that have prevailed since Sunday morning last have had the effect to drive much of the

loose ice in the North River and Bay through the Narrows and out to sea; but a great deal of it was packed into the slips on the west side of the town, and on that part of the Brooklyn shore opposite the Bay, so much o that the hoats on the South and Hamilton-avegue ferries could not make their trips yesterday. Only two or three trips were made during the day from the South Ferry slip, on the New-York side, to Mentague street, on the Brooklyn side, of the Wall-street Ferry. The trips on the Roosevelt street, Catharine and Gour erneur-street Ferries were also few and far between passengers on several occasions being compelled to wait for more than an hour before leaving the opposite shore. This, however, was not so much to be attributed to a difficult and dangerous navigation, as to a habit which the boats themselves seem to have imbibed through obstructions and delays heretofore occasioned by ice. At about 4 p. m. the flood-tide parts of the river were covered with ice, but it was loose and thin, and nearly dissolved by the suit-water